

AFTER FINAL**Amendments to the Claims:**

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1. (currently amended) A lighting device, comprising:
an interchangeable display element that is removably attached to a support element by an attaching means;
a light bulb being positioned on said support element such that said light bulb illuminates said display element;
an electrical power source stored within said support element; and
said support element being removably affixed ~~to a surface~~ directly into the ground.
2. (original) The device of claim 1, wherein said display element has a top region that is aesthetically designed and a bottom region that attaches to a top end of said support element via an attaching means.
3. (previously amended) The device of claim 2, wherein said bottom region of said display element is substantially annular and accommodates the top end of the support element in a frictional manner and said attaching means is a retractable protruding member extending from said support element.
4. (previously amended) The device of claim 2, wherein said bottom region of said display element has a substantially annular wall;

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said attaching means being defined by at least an aperture defined through said wall and said aperture receiving a retractable protruding member extending from said support element;

whereby, the protruding member extends through said aperture by force from a resilient member in a resting stage and prevents removal of said display element.

5. (original) The device of claim 2, wherein said light bulb is positioned on said top end of said support element;

a bottom end of said support element being distal to said top end;

said support element being tubular in nature such that said bottom end has an opening for frictionally receiving an affixing element therein.

6. (original) The device of claim 5, wherein the affixing element is telescopic in nature, whereby said display element may be presented at differing heights.

7. (original) The device of claim 2, wherein said light bulb is positioned on said top end of said support element;

a bottom end of said support element being distal to said top end;

said support element being tubular in nature such that said bottom end has an opening for frictionally receiving an upper end of an extending element therein;

said extending element having a lower end that is distal to said upper end;

said extending element being tubular in nature such that said lower end receives a top boundary of an affixing element therein in a frictional manner;

an affixing end of said affixing element being distal to said top boundary and removably

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attaching to a surface.

8. (original) The device of claim 7, wherein the extending element and said affixing element are telescopic in nature, whereby said display element may be presented at differing heights.

9. (original) The device of claim 2, wherein said power source is a rechargeable battery that is recharged by a solar cell that is affixed to an outer wall of said support element and is in communication with said rechargeable battery therethrough.

10. (original) The device of claim 8, wherein said power source is a rechargeable battery that is recharged by a solar cell that is affixed to an outer wall of said support element and is in communication with said rechargeable battery therethrough.

11. (currently amended) An adaptable lighting device, comprising:
an interchangeable display element having a top region of an aesthetic design and a bottom region having a hole therein;
a support element having a top end and a bottom end and said top end being insertable into said hole of said bottom region of said display element in a frictional manner to removably engage said bottom region via an attaching means;
a light bulb being positioned on said top end of said support element such that said light bulb illuminates said display element;
an electrical power source stored within said support element; and

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said support element being removably affixed ~~to a surface~~ directly into the ground.

12. (original) The device of claim 11, wherein said bottom region of said display element has a substantially annular wall;

said attaching means being defined by at least an aperture defined through said wall and able to receive a retractable protruding member extending from said support element;

whereby, the protruding member extends through said aperture by a force exerted by a resilient member in a resting stage and prevents removal of said display element.

13. (original) The device of claim 11, wherein said light bulb is positioned on said top end of said support element;

said support element being tubular in nature such that said bottom end has an opening for frictionally receiving an affixing element therein;

said affixing element being telescopic in nature, whereby said display element may be presented at differing heights.

14. (original) The device of claim 11, wherein said light bulb is positioned on said top end of said support element;

said support element being tubular in nature such that said bottom end has an opening for frictionally receiving an upper end of an extending element therein;

said extending element have a lower end that is distal to said upper end;

said extending element being tubular in nature such that said lower end receives a top boundary of an affixing element therein in a frictional manner;

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an affixing end of said affixing element being distal to said top boundary and removably attaching to a surface; and

said extending element and said affixing element are telescopic in nature, whereby said display element may be presented at differing heights.

15. (original) The device of claim 14, wherein said power source is a rechargeable battery that is recharged by a solar cell that is affixed to an outer wall of said support element and is in communication with said rechargeable battery therethrough.

16. (original) The device of claim 14, wherein said display element is manufactured from a translucent polymeric compound.

17. (original) The device of claim 16, wherein said translucent polymeric compound is selected from a group consisting of polystyrene and polyethylene.

18. (original) The device of claim 11, wherein said power source is obtained from commercially available electricity wired thereto.

19. (currently amended) The device of claim 14, wherein a liquid impermeable means is applied to said affixing element, said extending element, and said support element, whereby liquid is prevented from entering the same ~~are manufactured to be impenetrable to liquids~~.

20. (previously amended) A portable lighting device, comprising:

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guidance from the Office as the new drawings that are required in addition to the drawings which are currently present in the file.

II. Claim Rejections - 35 USC §103

Applicants note that the rejection of the claims under the previously cited references in the prior Office Action was withdrawn as a result of the Applicants' July 11, 2003, response thereto. Accordingly, the Office shared Applicants' belief that the previously cited prior art failed to teach or render obvious Applicants' claimed invention.

The Office Action rejected Claims 1, 2, 5, 7, 11 & 18 under 35 USC 103 as being unpatentable over newly cited Hillinger (US Pat No. 5,692,828) and presumed official notice. Applicants respectfully traverse the rejection and the modification and interpretation of the references, and assert that the subject claims are unobvious and are allowable.

It is well settled that in order for a modification or combination of the prior art to be valid, the prior art itself must suggest the modification or combination. Hillinger fails to suggest any reason to modify the reference as proposed by the Office Action. In fact the reference is individually complete and functional independently for the limited specific purpose of employment as a hazard warning light. As can be discerned, Hillinger fails to teach Applicants' interchangeable display elements that provide, in addition to illumination, a display element that can project messages or seasonal presentations and can be directly inserted into the ground. Accordingly, from reviewing the cited reference, it is clear that the reference provides no

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an interchangeable display element having a top region of an aesthetic design and a bottom region having defined by an annular wall such that a hole is defined therein;

a support element having a top end and a bottom end and said top end being insertable into said hole of said bottom region of said display element in a frictional manner to removably engage said bottom region via an attaching means;

said attaching means being defined by at least an aperture defined through said wall and able to receive a retractable protruding member extending from said support element and, whereby, the protruding member extends through said aperture by a force exerted by a resilient member in a resting stage and prevents removal of said display element;

a light bulb being positioned on said top end of said support element such that said light bulb illuminates said display element;

an electrical power source stored within said support element;

said support element being tubular in nature such that said bottom end has an opening for frictionally receiving an upper end of an extending element therein;

said extending element having a lower end that is distal to said upper end;

said extending element being tubular in nature such that said lower end receives a top boundary of an affixing element therein in a frictional manner;

an affixing end of said affixing element being distal to said top boundary and removably attaching to a surface; and

said extending element and said affixing element are telescopic in nature, whereby said display element may be presented at differing heights.

AFTER FINALAmendments to the Drawings:

The attached sheet of drawings includes a new Figure 5 which illustrates the telescopic nature of the invention and the commercially available electricity power source.

Attachment: New Sheet of Drawings Containing Figure 5

AFTER FINALREMARKS

This amendment is responsive to the Final Office Action dated December 12, 2003. Following the Instant Amendment, Claims 1-20 are pending in the present application. Claims 1, 11 and 19 are hereby amended to further define the invention. Applicants have specifically addressed each and every one of the Office Actions rejections in the amendments and remarks herein. Claim 17 was not substantively addressed in the Office Action and Applicants reserve the right to substantively address the same in future correspondence. Thus, Applicants respectfully submit that the remaining claims, as amended herewith, are allowable and an early notification of allowance is requested.

This response is being filed within six (6) months from the mailing date of the Office Action and a Petition for an Extension of Time is filed herewith along with the appropriate fee in the accompanying credit card payment form.